THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882.

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BOMBAY ACT No. VII OF 1882.[1]

[THE BOMBAY LANDING AND WHARFAGE FEES ACT, 1882.]

[*18th November 1882.*]

Repealed in part and amended, by Act 16 of 1895 ;

Amended, by Bom. Acts 5 of 1916 and 2 of 1919.

Adapted and modified by the Adaptation of Indian Laws Order in Council.

An Act to provide for the levy of fees for the use of Public Landing-places.

WHEREAS it is expedient to provide for the levy of fees for the use of public landing-places in certain ports in the Bombay Presidency ; It is hereby enacted as follows :— Preamble.

1. This Act shall be called the Bombay Landing and Wharfage Fees Act, 1882. Short title.

2. [2][It shall extend to any ports] in the Presidency of Bombay to which [3][Government] may from time to time, by notification in the [4][Official Gazette], extend the Act. Local extent.

3. Bombay Act III of 1879 is hereby repealed, and all fees levied and every declaration, appointment, or rule made under that Act shall be deemed to have been levied and made under this Act. Repeal of Bombay Act III of 1879.

4. In this Act [5][the term "Government" in relation to a major port means the Central Government, and save as aforesaid means the Provincial Government] ; the [6]term "landing-place" includes a bandar, wharf, pier, jetty, hard and any place used for the landing, shipping, or storage of goods, or for the embarking or disembarking of passengers : "Government," "Landing-place" and "Passengers" defined.

[7]* * * * * *

[8][and the term "passengers" means any person of three years of age or upwards, carried in a vessel, other than the master and crew and the owner, his family and servants.]

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[1] For Statement of Objects and Reasons, *see Bombay Government Gazette*, 1881, Pt. V, p. 41 ; and for Proceedings in Council, *see ibid* p. 47.

[2] Those words were substituted for the words "It shall extend—(*a*) to the Ports of Karachi and Aden ; (*b*) to any other ports" by Schedule II of the Amending Act, 1895 (16 of 1895).

[3] The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

[4] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette* and other local Official Gazette", *ibid.*

[5] The words "the term 'Government' in relation to a major port means the Central Government, and save as aforesaid means the Provincial Government" were inserted, *ibid.*

[6] The definition of the term "landing-place" was substituted by s. 2 (*a*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[7] The definition of the term "Commissioner" was repealed by s. 2 (*b*), *ibid.*

[8] This definition was added by s. 2 (*c*), *ibid.*

Government to fix limits of bandars, etc., and the fees to be levied

5. It shall be lawful for [1][Government] from time to time by notification in the [2][Official Gazette]—

(*a*) to define the limits of any port to which this Act is made applicable when such limits have not been defined under the [3]Indian Ports Act, 1875;

(*b*) to determine what are public landing-places to which the provisions of this Act shall apply;

(*c*) to determine the limits of any such landing-place;

(*d*) to withdraw this Act from any port in which it is for the time being in force;

[4][(*e*) to fix the fees to be levied—

(1) on goods landed, shipped or stored at, and

(2) on passengers embarking or disembarking at, and

(3) on animals or vehicles bringing or removing goods to or from, or plying for hire at, and

(4) on vessels or boats approaching or lying alongside, any such landing-place:

[5][Provided that it shall be lawful for [1][Government] at any time to exempt any goods, passengers, vessel, boat, animal or vehicle wholly or partially from any fee to which the same may be liable under this section;]

[5][provided further that the fee to be levied on any passenger on each occassion of embarking or disembarking at a landing-place shall not exceed one anna].

Powers and duties under this Act by whom to be exercised and performed.

6. The levy of fees under this Act shall be made and all other powers and duties conferred and imposed by this Act or by any bye-laws made hereunder, shall be exercised and performed by such officers as [1][Government] shall from time to time direct, or by such person as [6][it] shall from time to time direct in this behalf.

Powers, privileges and liabilities of officers who collect fees.

7. The officers and persons whose duty it may be to levy fees under this Act shall have the same powers for collecting and enforcing payment of the same as are exercisable under the provisions of any law, for the time being in force, in respect of duties of sea-customs by the Collector of Customs and his subordinates, and shall have the same privileges and be subject to the same liabilities in respect of anything done by them in collecting and enforcing payment of the said fees as the said Collector of Customs and his subordinates have, or are liable to, under the provisions of any such law.

Punishment of offenders.

The law for the time being in force for the punishment of offences relating to the levy or payment of duties of sea-customs, and for the reward of informers, shall, as far as may be, apply to similar offences committed in respect of the said fees.

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[1] The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

[2] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette* and other local Official Gazette", *ibid*.

[3] *See* now the Indian Ports Act, 1908 (15 of 1908).

[4] Clause (*e*) was substituted by s. 3 (*1*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[5] This and the succeeding proviso were substituted for the original proviso by s. 3 (*2*), *ibid*.

[6] The word "it" was substituted for the word "he", *ibid*.

[1][In particular and without prejudice to the generality of the provisions of the foregoing paragraph, the penalty prescribed in the third column of article I of section 167 of the Sea Customs Act, 1878, shall be leviable in respect of the contravention of any bye-law made under this Act.]

VIII of 1878.

8. Tables of the fees leviable under this Act shall be posted up in some conspicuous position at every landing-place at which such fees are leviable, in English and the Vernacular language of the district, province, or territory in which the port is situate. Tables of fees to be posted up.

9. [2][The] [3][Chief Customs-authority] may, with the previous sanction of Government, from time to time make, and from time to time alter or repeal, bye-laws not inconsistent with the provisions of this Act: Power to make bye-laws.

(*a*) regulating the use of every landing-place to which this Act applies;

(*b*) providing for the management of the traffic over, on or about and to and from every such landing-place;

[4][(*c*) regulating the collection and remittance of the fees leviable under all or any of the provisions of this Act; and]

[5][(*d*)] generally for the guidance of all persons in matters connected with the enforcement of this Act.

The bye-laws so made, and every alteration of the same and every order repealing the same or any portion thereof, shall be published in the [6][Official Gazette].

[7][**10.** [8][In any port to which this Act applies expenditure incurred under any of the following heads shall be deemed for the purposes of the next succeeding section to be expenditure under this Act for the port, that is to say, expenditure—] Fees realized under this Act how to be expended.

(*a*) in payment of the expenses of the administration of this Act;

(*b*) in defraying the cost of acquiring or constructing new landing-places required for the convenience of the traffic or trade of such port;

(*c*) in maintaining and improving any existing landing-place and in constructing, maintaining or providing waiting rooms and other conveniences or facilities for passengers, and generally in the improvement of such port; and

(*d*) in payment of the charges connected with the establishing, maintaining and working of telegraphs and telephones between any such ports.]

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[1] This paragraph was inserted by s. 4 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[2] This word was inserted by s. 2 of 1st Sch. of the Bombay Repealing and Amending Act, 1919 (Bom. 2 of 1919).

[3] These words were substituted for the words "The Commissioner may, within the district, province or territory under his charge, and, in respect of any other port or ports to which the provisions of this Act may hereafter be extended, the Chief Customs authority for the Presidency of Bombay" by s. 5 (*a*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[4] Clause (*c*) was inserted by s. 5 (*b*) of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[5] Clause (*d*) was re-numbered by s. 5 (*c*), *ibid.*

[6] The words "Official Gazette" were substituted for the words "*Bombay Government Gazette* and other local Official Gazette" by the Adaptation of Indian Laws Order in Council.

[7] Section 10 was substituted by s. 6 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[8] These words were substituted for the words "The proceeds of all fees realized under this Act shall be expended in any port to which this Act applies—" by the Adaptation of Indian Laws Order in Council.

Receipt, expenditure and account of landing and wharfage fees.

[1][11. (*1*) For each port to which this Act applies a distinct account, to be called the landing and wharfage fees fund account, shall be kept showing, in such detail as the Chief Customs-authority prescribes, the receipts and expenditure under this Act for the port. An abstract of the account for the past financial year, in such form as the Chief Customs-authority prescribes, shall be published annually as soon after the first day of April as may be practicable.

(*2*) If an advance of money shall be made by the Government for any of the purposes of this Act, on account of any port to which this Act applies, simple interest on that advance or upon so much of it as shall remain unrepaid, at such rate as [2][Government] may determine, shall be chargeable in the landing and wharfage fees fund account of such port.

(*3*) All monies received under this Act at or on account of any port to which this Act applies shall be credited in the landing and wharfage fees fund account of the port.

(*4*) [3]* * * * * * * *.

Grouping of ports.

[4][12. [2][Government] may direct that for the purposes of sections 10 and 11 any number of ports to which this Act applies shall be regarded as constituting a single port, [5]* * * * * * *.]

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[1] Section 11 was added by s. 7 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[2] The word "Government" was substituted for the words "the Governor in Council" by the Adaptation of Indian Laws Order in Council.

[3] Sub-section (*4*) was omitted, *ibid.*

[4] Section 12 was added by s. 7 of the Bombay Landing and Wharfage Fees (Amendment) Act, 1916 (Bom. 5 of 1916).

[5] The words "and thereupon all monies to be credited to the landing and wharfage fees fund account under section 11 shall form a common fund account which shall be available for expenditure for the sake of the several ports of the group on the objects authorized by this Act" were omitted by the Adaptation of Indian Laws Order in Council.